

Remarks/Arguments

This is a complete response to the Office Action mailed on the 28th of July 2005 in which claims 1, 3, 4, 10, and 11 were rejected and claims 2, 5-9 and 12 were subject to an objection. Claims 1-12 remain pending in the application. Reconsideration and further examination of the subject application are respectfully requested.

35 USC § 103 Rejection

Claims 1, 3, 4, 10, and 11 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6690850 (Greywall) in view of published U.S. patent application 2004/0080938 (Holman). Applicants respectfully traverse the rejection on the basis that it does not establish a *prima facie* case of obviousness because the rejection is based on an incorrect interpretation of the secondary reference, Holman.

Regarding claim 1, the Rejection asserts that figure 48 of Holman “discloses three substantially planar reflectors arranged substantially mutually orthogonal to each other.” However, two of the three reflectors depicted in Holman’s figure 48 (reflectors 1010 and 1006) are shown in a parallel orientation to each other. The current specification calls for “three substantially planar reflectors arranged substantially **mutually orthogonal to each other.**” (pg. 15, lines 3-4 emphasis added) Such an arrangement is not shown or suggested in Holman. For a drawing disclosing three substantially planar reflectors arranged substantially mutually orthogonal to each other, please see figure 3 of the current specification.

A valid 103 rejection must establish a factual basis to support the legal conclusion of obviousness. *See In re Fine*, 837 F.2d 1071, 1073 (Fed. Cir. 1988). In so doing, the factual determinations of *Graham v. Deere*, 383 U.S. 1, 17 (1966), must be made. The scope and content of the prior art must be determined; differences between the prior art and the claims at issue must be ascertained; and the level of ordinary skill in the pertinent art resolved. Here, the Rejection has not properly determined the scope and content of the prior art in that it has incorrectly described the three reflectors (1010, 1008, 1006) disclosed in Holman as arranged substantially mutually orthogonal to each other when, in fact, reflectors 1010 and 1006 are not substantially orthogonal to each other. Therefore,

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the Rejection did not meet its burden of establishing a prima facie case of obviousness for claim 1.

Since a prima facie case of obviousness has not been established for claim 1, claims 3, 4, 10, and 11—each a dependent claim, incorporating all the elements and limitations of claim 1—cannot be shown to be obvious.

Claim Objection

Claims 2, 5-9, and 12 were objected to as being dependent upon a rejected base claim. Applicants respectfully submit that rejection of Claim 1 has been traversed, and that independent Claim 1 and its corresponding dependent Claims 2, 5-9, and 12 should now be allowed.

Conclusion

Applicants respectfully request withdrawal of the rejection of Claims 1, 3, 4, 10, and 11 and the objection to Claims 2, 5-9, and 12. Applicants respectfully submit that Claims 1-12 of the present application are in condition for allowance.

Respectfully Submitted,



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